(13)

16/11/07

HIGH COURT OF CHHATTISGARH AT BILASPUR
DIVISION BENCH

CORAM: HON'BLE SHRI JAGDISH BHALLA, Ag., CJ.
HON'BLE SHRI DILIP RAOSAHEB DESHMUKH J.

MCC No.454 of 2007

Applicants

1. Kamal Kishore, S/o Fool Singh Sahu, aged about 21 years
Owner of the Vehicle

2. Radhe alias Radheshyam Sahu, S/o Tingu Sahu, aged about 35 years
Driver of the vehicle
Both residents of Village Pavni, PS And Tehsil Bilaigarh, Distt. Raipur

Versus

Non-applicants

1. Budhwara Bai, W/o Joidha Sahu, aged about 50 years, R/o village Pavni, Loharpara, PS and Tehsil Bilaigarh, Distt - Raipur (CG)

2. United India Insurance Company Limited, Branch Office - Krishna Market, Kachahari Chowk, Raipur (CG)

Application for restoration of Miscellaneous Appeal No.323/05

Present: Dr NK Shukla, Senior Advocate with Shri Deepak Dubey, counsel for the appellants.

Oral order
(Passed on 13th November, 2007)

The following order of the Court was passed by Hon'ble Dilip Raosaheb Deshmukh, J. :

Heard on application for condonation of delay.

In owner's appeal (MA323/2006) against the award of compensation passed by Motor Accident Claims Tribunal, Bilaspur this Court had, on 31.01.2006 finally granted two weeks time to the appellants to remove the default of not making the statutory deposit under Section 173 of the

(14)

Motor Vehicle Act, failing which it was ordered that the appeal shall stand dismissed for non-prosecution without further reference to the Court.

Learned senior counsel submits that although the amount was actually deposited by the appellant, much after the period stipulated under Order dated 31.01.2006 i.e. on 20th March, 2006 the appellant has also moved the application for condonation of delay as late as on 24th October, 2007. In view of the fact that there is no explanation for the delay in making the deposit within the period stipulated as also the lapse thereafter in filing the application for condonation of delay, we find no good ground to condone the delay. Application for condonation of delay is accordingly dismissed. Consequently, the MCC for restoration of MA No.323/2006 also stands dismissed.

Sd/-
Ag. Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

padma